

LEGAL REPRESENTATIVES OF GENERAL WILLIAM
THOMPSON.

[To accompany Bill H. R. No. 248.]

MARCH 2, 1860.

MR. FERRY, from the Committee on Revolutionary Claims, made the
following

REPORT.

*The Committee on Revolutionary Claims, to whom was referred the
petition of the legal representatives of Brigadier General William
Thompson, report :*

That this claim was favorably reported on the 29th day of May,
1858 ; that report, with the evidence, has been re-examined, and your
committee concurring entirely with that report adopt it, and report
a bill in all respects the same as the one then reported.

IN THE HOUSE OF REPRESENTATIVES, May 29, 1858.

MR. CLAWSON, from the Committee on Revolutionary Claims, submitted
the following report :

*The Committee on Revolutionary Claims, to whom was referred the peti-
tion of the heirs of Brigadier General Thompson, having had the same
under consideration, report :*

That William Thompson, of Pennsylvania, was on the 1st of March,
1776, chosen by Congress a brigadier general in the continental ser-
vice in the war of the revolution, and directed by Congress to repair
to New York.—(See Journals 1776, vol. 1, page 277.) This appoint-
ment was announced to him from Philadelphia, March 2, 1776, with
the following letters of the above date :

“SIR : The Congress, from a sense of your merit and zeal in the
American cause, have been induced to appoint you a brigadier general
in the continental army. I do myself the honor of enclosing your
commission, and shall only add that I have it in charge from Congress

to direct that you repair as soon as possible to New York, there to join the continental troops under the command of General Lee.

"I am sir," &c.

On the 27th March, 1776, General Washington writes from Cambridge, as follows :

"SIR: Lord Sterling, in his letter of the 20th instant, has informed me of your arrival at New York, to take command of the army there. I take this opportunity of congratulating you on your promotion, and am vastly pleased that the Congress have anticipated my application in your favor, which was dated the 7th instant. I have now to inform you that the fleet have, within a very few hours, left Nantucket Road, and on the morrow another brigade will march from here, under the command of General Sullivan ; I will, with the main body, march to your assistance very soon, if nothing occurs, which I cannot at present foresee.

"I am, with great regard, sir, your most humble servant,

"GEORGE WASHINGTON.

"General THOMPSON."

"P. S. General Putnam will set off to-morrow or next day, and if General Schuyler is absent will take the command of the troops."

Under date of a letter from the commissioners sent to Canada, at Montreal, of the 27th of May, 1776, to General Thompson, he is requested to attend a council of war, at Chambly, on Thursday following, and to inform him that on that morning a firing of small arms and cannon was heard towards Fort St. Anne's, at the extremity of the island of Montreal, and hoped the enemy would be intercepted in their retreat and our prisoners recovered.

On the preceeding day, (May 26,) General Arnold wrote to General Thompson as follows :

"LACHINE, *May 26, 1776.*

"DEAR GENERAL: I am much obliged to you for your agreeable favor of the 22d, and kind offer of coming to my assistance ; with 450 men which I now have, when joined by Colonel De Haaes, I believe we shall be a match for the enemy. By the best information I can obtain they are five or six hundred strong. Their advanced guard was at Point Clear (three leagues above this) last night, and gave out that they intended to attack us this morning ; we are well prepared to receive them.

"I heartily condole with you the loss of poor Major Sherbaup. I am told his party fought well and many were killed ; I cannot learn if he is among the number. Our prisoners are at St. Anne's and used well. I hope, by sending up a strong party by water, to cut off the retreat of the enemy and retake our prisoners ; at the same time, I intend to attack their main body here. I hope soon to transmit you a more favorable account of matters here.

"I am, with great esteem and affection, dear general, your obedient humble servant,

"B. ARNOLD.

"General THOMPSON."

Instruction to General Thompson.

“SOREL, June 6, 1776.

“DEAR SIR: You are to march as soon as possible with Colonel Irvine and Colonel Wayne’s regiments, together with those of Colonel St. Claire now remaining at this place, and join Colonel St. Claire at Nicholet, and take command of the whole party; and, unless you find the number of the enemy at Three Rivers to be such as would render all hazardous, attack upon them. You will pay particular attention to the preservation of your batteaux, keeping them at a convenient distance above the shipping, which lays at or near the Three Rivers. I would by no means advise you to an attack if the prospect of success is not much in your favor, as a defeat of your party, at this time, might prove the total loss of this country. Sir, as I have (without flattery) the highest opinion of the bravery and good conduct of yourself and the officers you command, I forbear attempting particular instructions, being well assured that neither prudence nor resolution will be wanting to answer the great purpose we have in view. I have the highest opinion of the bravery and resolution of the troops you command, and doubt not but, under the direction of a kind Providence, you will open the way for our recovering that ground which former troops have so shamefully lost. Wishing you the greatest safety and success,

“I am, dear sir, your obedient servant,

“JOHN SULLIVAN,

Commander of the continental forces in Canada.

“Brig. General THOMPSON.”

June 6, 1776, (Thursday.) “Sundry letters were laid before Congress and read; one from Brigadier General Thompson, of the 25th of said month, (May,) to the commissioners.”—(See Journals, vol. 1, page 366.)

“Two thousand of their best men, headed by General Thompson, embarked at the Sorel and fell down with the tide, keeping on the south side of the river, till they arrived at a place called Nicholet, opposite to Three Rivers. * * * * * Unfortunately for their design, the time they took in crossing the river was so long, that, though they passed the shipping unobserved, they were discovered at their landing. The alarm being given, General Frazier prepared to meet them. * * * * * The provincial commander was taken, with about two hundred of his men.”—(See “Andrews’ American War,” vol. 2, pp. 165, 166, and 167.)

The following is an extract from a letter from General Thompson to Major Scull, dated at Quebec harbor, August 3, 1776, while he was a prisoner:

“Through the great humanity of his excellency, General Carlton, all the prisoners in Canada are allowed to return to the colonies on their parole, and will embark for New York this day or to-morrow.”

In Congress, August 6, 1776: "*Resolved*, That General Schuyler be directed to apply to General Burgoyne and propose a general exchange of prisoners, on the terms agreed on by Congress, and particularly the delivering Brigadier General Prescott, in possession of the United States, in lieu of Brigadier General Thompson, in the possession of the enemy."—(Journals, vol. 1, p. 434.)

In Congress, November 23, 1776: "*Resolved*, That General Washington be directed to propose to General Howe an exchange of Wm. Franklin, esq., late governor of New Jersey, for Brigadier General Thompson."

In Congress, December 3, 1776: "*Resolved*, That General Washington be directed, in case he has not entered into a negotiation with General Howe for exchanging Governor Franklin for General Thompson, to suspend the execution of that matter till further orders."

The following is an extract from a letter written by General Thompson to Major Scull, dated at Carlisle, January 17, 1777:

"As I can't learn that there are any hopes of my being exchanged shortly, and I don't like to go to camp before I am at liberty to act, I have enclosed you my account from my leaving New York till my return to the colonies." * * * "If I am to remain a prisoner, I would advise you to push for promotion in one of the Pennsylvania regiments." * * *

The last letter from General Thompson exhibited to the committee, bears date June 4, 1781, at Carlisle, which would indicate that he had not yet been exchanged; and if he had been, or had been dropped from the service previous to his death, the records would doubtless show it. The certificate of the third auditor is: the records of the revolutionary war in that office afford no evidence when General Thompson went into service, or the date of his death, or that he was on parole and never exchanged; but afford evidence, however, that he was in the service, and that funds were placed in his hands to pay the officers and soldiers of his command who returned from captivity, and his own pay and rations to the 1st of August, 1780, &c. But his seven years' half-pay is not found to have been included in the settlement. As his death did not transpire until the 3d of September, 1781, it is obvious there could be no settlement of the seven years' half-pay then, and for which claim the administrator of his estate made application to Congress in 1854, (33d Congress,) on petition, which was referred to the Committee on Revolutionary Claims, and by them reported favorably, with a bill, and passed in the Senate on the 7th day of July, 1854, and was signed by the Secretary of the Senate. In the House of Representatives, the same was referred to the Court of Claims.

In the Court of Claims, the same administrator of General Thompson's estate appeared, by petition, and claimed a right to recover, upon the following resolution of Congress:

"*Resolution*—In Congress, August 24, 1780.

"*Resolved*, That the resolution of the 15th day of May, 1778, granting half-pay for seven years to the officers of the army who

should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die in the service, to commence from the time of such officer's death, and continue for the term of seven years; or if there be no widow, or in case of her death or intermarriage, the said half-pay be given to the orphan children of the officer dying as aforesaid, if he shall have left any; and that it recommend to the legislatures of the respective States to which such officers belong, to make provision for paying the same on account of the United States."

Upon suggestion that it was not the administrator of the officer dying who should prosecute, but the administrator of the widow of said officer was the proper one, the petition was amended and the name of Terrissa C. Stem substituted, by legal appointment, as administratrix of the widow of the officer dying; and the said administrator of the officer consenting and joining in the same, they being the grandchildren of the officer and the beneficiaries with others in said claim; the said letters of administration citing the facts that she was the granddaughter of Mrs. Catharine Thompson, who was the widow and relict of Brigadier General William Thompson, who lately died intestate. On filing the amended petition, testimony was thereupon ordered and filed, and the case set down for trial, and subsequently submitted for the decision of said court.

It is proper that the committee should state that none of the testimony hereinbefore referred to was filed or made evidence before the Court of Claims, and which was not deemed necessary, or was accessible at that time, except the brief of the attorney for the claimants, which cited to history and the journals of Congress. But it appears there was other evidence filed which your committee deem pertinent, and some deficiencies filed since, viz: that Catharine Thompson, before named, was the widow of Brigadier General William Thompson, and that she never remarried, and died the widow of said General Thompson in December, 1809.

In the testimony filed in the original application is the declaration of John Johnston, in whose favor the court, before whom he made his declaration, declare their opinion that he was a revolutionary soldier, and that he served as he stated. He states that he was a private in Colonel Irvine's regiment, Pennsylvania line, and was in the battle of the Three Rivers, in Canada, about fifty miles from Quebec; that in the month of June 1776, they were attacked by the British and defeated, and that General Thompson and Colonel Irvine were both taken prisoners.

Mary Thompson, who is certified to be a person of good repute, testifies that she was personally acquainted with General William Thompson, and married his eldest son on the 20th July, 1786, and that General Thompson died a prisoner September 3, 1781.

Your committee are requested to correct an error which has crept into the briefs and papers in the case relating to the resolution of Congress voting thanks to Colonel William Thompson for his gallant defence at Fort Moultrie, Charleston, South Carolina. The error was discovered before the submission to the court by the respective counsel, after their briefs were prepared, and the credit given to General

Thompson for that gallant act withdrawn. It is proper to state that Colonel William Thompson, of Pennsylvania, owed his promotion to brigadier general for gallant conduct in action at Lechmere Point, on the 10th of November, 1775, and drove the British to their ships, and under cover of their batteries.

It appears from proper certificates from the State Department of Pennsylvania, that the widow nor the heirs of General Thompson have ever received the seven years' half-pay promised by the foregoing resolution.

The court says "there is no doubt but that General Thompson was a brigadier general in the continental army of the revolution, and that he died before the end of the war, namely, about the 3d of September, 1781. It may also be considered, though the point is not clear, that he was in the service at the time of his death;" * * "but, independently of these defects," (defects since cured,) "the claim is barred by statute of limitation."

The adverse opinion of the Court of Claims on these grounds was placed on the calendar of the House, and in Committee of the Whole, on the 16th of April, was taken up and concurred in, in the absence of the member who had the case in charge, and thus summarily disposed of. Your committee, in view of this occurrence, and in face of several other cases of the same character, reported heretofore by this committee, and believing that the claim presented for their consideration has just merits, which the statute of limitation ought never, in justice, to preclude from a fair and honorable settlement, they have agreed to report a bill for the payment of the seven years' half-pay promised by said resolution of Congress of August 24, 1780, and they recommend its passage.

UNITED STATES CHILDREN OF COLONIAL BIRTH

REPORT

The Committee on Education and the Labor Force, House of Representatives, has the honor to report to the House the results of its investigation into the condition of the children of colonial birth in the United States.

That this report was prepared in accordance with the resolution passed by the House on the 15th day of May, 1906, and that the same was presented to the House on the 15th day of May, 1906, is hereby certified.

In testimony whereof, the Committee on Education and the Labor Force, House of Representatives, has caused this report to be signed by its members.

Mr. C. ... from the Committee on Education and the Labor Force, House of Representatives, made the following report:

The Committee on Education and the Labor Force, House of Representatives, has the honor to report to the House the results of its investigation into the condition of the children of colonial birth in the United States.

That this report was prepared in accordance with the resolution passed by the House on the 15th day of May, 1906, and that the same was presented to the House on the 15th day of May, 1906, is hereby certified.